

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**TESTIMONY OF BROOKLYN BAPTISTE
NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

MARCH 24, 2015 PUBLIC WITNESS HEARINGS ON NATIVE AMERICAN ISSUES

Honorable Chairman and members of the Committee, as a member of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the appropriations for IHS, BIA, EPA, the Forest Service and the Fish and Wildlife Service in relation to the needs of tribal nations for Fiscal Year 2016.

As with any government, the Nez Perce Tribe does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries departments of any tribe in the nation working on recovery of listed species under the Endangered Species Act. The Nez Perce Tribe conducts its extensive governmental functions and obligations through a comprehensive administrative framework, which is necessary for a sovereign nation that preserves and protects the treaty rights of the Nez Perce People in addition to providing the day to day governmental services to its members and the surrounding communities. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through tribes is of vital importance. This work cannot be accomplished unless the United States continues to affirm and follow through on its trust responsibility and properly fund programs.

Indian Health Services

The Nez Perce Tribe currently operates a health care clinic on the Nez Perce Reservation, Nimiipuu Health. The main clinic facility is located in Lapwai, Idaho with a satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provided service to 3,820 patients last year. These 3,820 patients represented 47,673 visits which does not include pharmacy and laboratory visits but only medical provider visits. Our expenditure total for FY14 was \$13,942,622. Our Purchased/Referred Care costs for outpatient services for FY14 was \$4,125,475.

Although the Nez Perce Tribe supports the proposed \$460.6 million increase in funding over the FY14 levels proposed by the President, it is important to note that this increase still lags far behind where funding should be to offset the growing needs of the programs and medical

inflation which is estimated to be another \$297.2 million. Also, the Tribe supports the recommendation of a \$50 million dollar increase in funding proposed for purchased and referred care, but it too falls well short of the true need in Indian country as is illustrated by the spending needs of just the Nez Perce clinic. The National Congress of American Indians actually recommends an increase of 198.2 million. Additionally, the Tribe supports \$718 million to be allocated for Contract Support Costs.

Because full funding of these obligations is so important to Indian Country, the Tribe supports the Administration's innovative proposal to reclassify contract support costs for the Bureau of Indian Affairs and the Indian Health Service beginning in FY17 but this reclassification should be permanent and not just for three year periods. Also, such a change in funding should not be accomplished or be off-set by reducing other funding for these agencies that would adversely affect services or programs. Nor should this funding be unnecessarily reduced by excessive set-asides for administration. The Tribe also supports funding of the Special Diabetes Program at \$150 million as that funding is set to expire at the end of the current fiscal year.

Bureau of Indian Affairs

The Tribe supports the \$277 million dollars for contract support costs proposed in the President's budget and the reclassification of these costs from discretionary to mandatory as well as the 12% increase in overall funding for the Bureau of Indian Affairs. The Tribe also supports the Presidential budget request to include a Carcieri fix to address legal issues that have arisen related to the transfer of land into trust and created uncertainty over the status of lands. This uncertainty will only stifle and impede economic development in Indian Country. A legislative amendment to restore the sovereign status of these lands is needed now.

In relation to the Bureau of Indian Affairs Public Safety and Justice budget, the Tribe advocates for at least the \$364.4 million dollars in funding proposed in the President's budget. The Nez Perce Reservation covers 1200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. The Tribe provides a full service law and justice program, beginning with a fully trained and staffed police force, tribal court, prosecutor and related administrative functions. Currently, the Nez Perce Tribe contributes over \$1,497,626 per year to cover the shortfall in BIA funding for the Tribe's law enforcement, \$408,821 for judicial services/probation, \$319,649 for prosecutorial services, \$87,072 for public defender services and \$400,000 for prisoner boarding. This funding comes from tribal taxes and tribal gaming revenues. The funding for these programs needs to be increased to account for the shortfalls in funding the Tribe has to absorb to continue the operation of these vital services on the Reservation.

In relation to education, the Tribe requests \$42 million for Johnson O'Malley Funding, \$5 million for tribal education departments and \$89.1 million for tribal colleges that would support institutions such as the Northwest Indian College that operates a satellite campus on the Nez Perce Reservation. It should also be noted that scholarship funding provided by the BIA has remained static for the past decade while the cost of attending college has risen faster than can be accounted for by simple inflation. The Tribe recently set up an educational endowment to supplement the BIA education funds but the BIA funds need to be increased.

The Tribe also relies on the BIA for funding for its work related to endangered species and protection of the Tribe's treaty resources including Chinook and steelhead salmon. The funding has also been used to supplement the research efforts of the Tribe relative to other sensitive species. The BIA Endangered Species Program should be funded at \$3 million dollars as it provides tribes with the technical and financial assistance to protect endangered species on trust lands but funding of this program has declined significantly over the last 8 years. Also, the BIA Natural Resource Tribal Priority Allocations should be increased to \$10 million as this funding has remained flat for years at just under \$5 million. This expenditure will help increase tribal land and management capabilities.

In addition, the funding provided under the BIA Rights Protection implementation monies are critical to support the exercise of treaty reserved off-reservation hunting and fishing for tribes like the Nez Perce and it should be funded at \$52 million dollars. The BIA single-line dollars do provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring and conservation enforcement. And of course, these efforts are central to the Tribe's fisheries management responsibilities as established in the treaties and further delineated in litigation regarding implementation of hunting and fishing treaty rights. It is important to understand that this funding is not for equipment but is used for job creation and this funding has stayed static.

The Tribe also supports funding for the BIA Wildlife and Parks Tribal Priority Allocations of \$3.3 million dollars and \$6.5 million dollars as these funds allow for important work to be done on fish recovery through hatchery operation and maintenance. As stated earlier, the Tribe has invested a large amount of its personnel and resources in the restoration and recovery of this important resource through its fisheries programs. The States of Oregon, Washington and Idaho directly benefit from this work as well through sports fisheries. These programs have been successful but more work needs to be done. The Tribal Management and Development Program also needs increased funding. The Tribe recommends \$20 Million for base and programmatic funding. This program is critical for fish and wildlife management of the Tribe.

Fish and Wildlife Service, Forest Service and Cultural Protection

The Tribe relies heavily on funding sources within the Fish and Wildlife Service and the Forest Service. First, the Tribal Wildlife Grants program administered by the U.S. Fish and Wildlife Service is a cost effective expenditure for the government. This small pot of money has resulted in huge returns from the Tribe's perspective. Since 2005, we have received five such grants that have allowed us to work on such diverse issues as gray wolf monitoring, bighorn sheep research, and rare plant conservation. Continued funding for the Tribal Wildlife Grant program will allow recipient tribes to build capacity and maintain involvement in key conservation issues. It should be noted that this competitive grant does not simply dole out funds for projects but awards grants based on the quality of the proposal. As mentioned above, the Tribe has received five grants under this program totaling \$1 million based on the quality of our research work. Funding for these grants was reduced in previous fiscal years. The Tribe strongly urges this committee to increase this funding to \$8 million as it provides a large return in work for a small investment. It is also one of the few sources of funds tribes can tap into for wildlife research.

Related to forest management, the Tribe supports wildfire disaster funding legislation that treats wildfires like other natural disasters and emergencies to help prevent funds from having to be diverted from forest management. The Tribe also supports increasing BIA Forestry funding (TPA and Forestry Projects) by \$25 million to an FY 2016 total of \$76.9 million as a first step toward providing the \$100 million the BIA needs as minimum annual funding to achieve parity with other federal forestry programs.

The Nez Perce Reservation and its usual and accustomed areas are rich in natural resources and encompass eleven different national forests. The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis.

Finally, there should be \$15 million dollars allocated for the Tribal Historic Preservation Office Program and \$4 million dollars for repatriation to help ensure tribal remains and cultural properties are protected to the greatest extent possible.

Environmental Protection Agency

The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program (FARR) and receives funding from the State and Tribal Assistance Grants Program and Tribal General Assistance Grants. The Tribe supports a budget of \$75 million for these grants because of the importance of these funds for tribal governance. The FARR program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA and this increase in funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA.

In addition to the air quality program, the Nez Perce Tribe is working with other Idaho Tribes on surveying fish consumption rates which is an important tool in efforts to protect the health of tribal members. Funding for this work is important. The Tribe also relies heavily on contract support dollars for our water resource programs such as storage tank remediation and watershed restoration.

Thank you for the opportunity to testify today. As you can see, the Nez Perce Tribe does a tremendous amount of work in a variety of areas. It is important that the United States continue to fund this work and uphold and honor its trust obligations to tribes.